U.S. trade rights, rather than endlessly pursuing new free trade agreements. Shifting the focus of U.S. trade strategy to job preservation is particularly essential in the manufacturing sector, which since 1994—the year NAFTA came into effect—has lost over 4.2 million jobs. The economic downturn over the past year has further decimated U.S. manufacturers, which have shed over 600,000 jobs in 2008 alone.

It is no coincidence that this withering of our country's once-unparalleled manufacturing base took place during a decade-and-a-half of record trade liberalization and increases in imports from large, often poorly regulated low-cost producers like China and India. In Maine, my constituents have seen this down-side of trade, with over 20,000 manufacturing jobs lost since 2000, mainly in paper and wood-working industries that have suffered from unfair competition from Asian imports.

To stem the outflow of American manufacturing jobs due to trade competition with countries that manipulate their currencies, exploit their workers or wantonly degrade their environment, it is essential that we decisively enforce the trade agreements we already have in place. Yet our Government has often failed to take this basic but crucial step when confronted with egregiously unfair trade practices. While foreign governments engage in market-distorting currency manipulation, refuse to protect intellectual property rights and turn a blind eye to labor exploitation—each a violation of trade obligations to the United States—ours all too frequently demurs with communiqués and consultations, rather than formal enforcement action. What makes this abdication of duty to defend the U.S. economy from unfair foreign practices especially troubling is that the tools to do so already exist in the dispute resolution provisions of various trade agreements.

The distressing reality is that U.S. industry and labor groups are often rebuffed in attempts to petition the United States Trade Representative to initiate a formal investigation or bring a dispute resolution action under the relevant multilateral or bilateral trade agreement, as there seems to be considerable institutional momentum among senior officials at USTR and elsewhere in the bureaucracy against bringing formal enforcement action against key trade partners. Indeed, it is a troubling fact that every single one of the petitions brought by business or labor groups in the last 8 years under Section 301 of the Trade Act of 1974—the statute setting forth the process by which members of the public can request that the government enforce of U.S. trade rights—has been rejected by USTR, in some instances on the same day they were filed!

It is to prevent further disregard for U.S. businesses and workers seeking a fair and consequential hearing of their concerns with foreign trade practices that Senators ROCKEFELLER and CONRAD and I today introduce the Trade Complaint and Litigation Accountability Improvement Measures Act, or the Trade CLAIM Act.

The Trade CLAIM Act would amend the Section 301 process to require the United States Trade Representative to act upon an interested party's petition to take formal action in cases where a U.S. trade right has been violated, except in instances where: the matter has already been addressed by the relevant trade dispute settlement body; the foreign country is taking imminent steps to end or ameliorate the effects of the practice; taking action would do more harm than good to the U.S. economy; or taking action would cause serious harm to the national security of the United States.

The bill would also grant the U.S. Court of International Trade jurisdiction to review de novo USTR's denials of Section 301 industry petitions to investigate and take enforcement action against unfair foreign trade laws or practices. Such jurisdiction would include the ability to review USTR determinations that U.S. trade rights have not been violated as alleged in industry petitions, and the sufficiency of formal actions taken by USTR in response to foreign trade laws or practices determined to violate U.S. trade rights.

The Trade CLAIM Act would thus give U.S. businesses and workers a greater say in whether, when and how U.S. trade rights should be enforced. As Ranking Member of the Committee on Small Business and Entrepreneurship, I believe this bill would also be particularly beneficial to small businesses, which—like other petitioners in Section 301 cases—currently have no avenue to formally challenge the merits of USTR's decisions, and are often drowned out by large business interests in industry-wide Section 301 actions initiated by USTR.

By providing for judicial review of USTR decisions not to enforce U.S. trade rights, the bill provides for impartial third party oversight by a specialty court not subject to political and diplomatic pressures. In de-linking discreet trade disputes from the mercurial machinations of USTR's trade liberalization agenda, this Act would end the sacrifice of individual industries on the negotiating table, and allow trade enforcement claims to be decided on their merits. We owe no less to the millions of American workers whose jobs depend on the level international playing field that can only be guaranteed by their Government consistently standing up for them against unfair foreign trade practices.

AMENDMENTS SUBMITTED AND PROPOSED

SA 99. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 100. Mr. CASEY (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 101. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 102. Ms. LANDRIEU (for herself, Mr. GRASSLEY, and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 103. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 104. Ms. MIKULSKI (for herself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 105. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 99. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows;

At the appropriate place, insert the following:

SEC. ____. JOINT SELECT COMMITTEE ON ECONOMIC RECOVERY.

(a) ESTABLISHMENT AND COMPOSITION.—

(1) IN GENERAL.—There is established a Joint Select Committee on Economic Recovery (referred to in this section as the ''joint committee'') to be composed of 20 members as follows:

(A) 10 Members of the House of Representatives, including the Chairman and Ranking Member of the Committee on Ways and Means and the Committee on Appropriations, or their designee, 4 members appointed from the majority party by the Speaker of the House, and 2 members from the minority party to be appointed by the minority leader.

(B) 10 Members of the Senate, including the Chairman and Ranking Member of the Committee on Finance and the Committee on Appropriations, or their designee, 4 members appointed from the majority party by the majority leader of the Senate, and 2 members from the minority party to be appointed by the minority leader.

(2) VACANCY.—A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection.